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OFFICE OF PETITIONS

In re Application of :
Dinsmore :
Application No. 10/790,636 : DECISION ON PETITION
Filed: 1 March, 2004 :
Attorney Docket No.: 56249-PHLL-157RE :

This is a decision on the renewed petition filed on 6 April, 2005 under 37 C.F.R. §1.47(b).

The petition is **GRANTED**.

BACKGROUND AND ANALYSIS

The record reflects that:

- the instant application was received and given a filing date of 1 March, 2004, without, *inter alia*, a fully executed oath/declaration;
- the Office mailed a Notice of Missing Parts on 4 May, 2004, and Petitioner replied on 8 November, 2004, however, the Office mailed a Notice of Incomplete Reply on 16 November, 2004;
- with the original petition Petitioner Mark G. Lappin (Reg. No. 26,618) filed, *inter alia*, a statement detailing the change in structure of the assignee, assignment documents, and the assent of the assignee to reissue, along with his statement of events to the effect that the non-signing inventor Mark Dinsmore (Mr. Dinsmore) was "offered" the application for review, however, the petition was dismissed on 2 February, 2005, because the

statement fails to demonstrate that the entire application in fact was transmitted to Mr. Dinsmore as required;

- although by telephone Petitioner confirmed that he did not prepare and/or deliver to Mr. Dinsmore a transmittal letter memorializing the event, with the instant petition, Petitioner nonetheless avers that he personally delivered the entire application (description, claims, abstract and drawings) to Mr. Dinsmore;
- Petitioner also sets forth over his signature and registration number what he believes to be a valid/current address for Mr. Dinsmore and that oath/declaration is executed by a person authorized by the assignee to do so.

Thus, Petitioner has submitted a signed oath/declaration with a statement of the assignee or Petitioner that Petitioner is authorized to sign in compliance with 37 C.F.R. §1.63 and §1.64. (See: MPEP §409.03(b).)

Lastly, Petitioner has submitted a declaration in compliance with 37 C.F.R. §1.63 and §1.64 and Petitioner has shown that such action is necessary to prevent irreparable damage.

This application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47(b).

This application hereby is **ACCORDED status under 37 C.F.R. §1.47(b).**

As provided under 37 C.F.R. §1.47(b), the Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition.

Notice of the filing of this application also will be published in the Official Gazette.

This file is being released to OIPE for processing as necessary to reflect the instant decision before being released for examination in due course.

Telephone inquiries concerning **this decision** may be directed to the undersigned at (571) 272-3214.



John J. Gillon, Jr.
Senior Attorney
Office of Petitions